

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

BRIAN CHRISTOPHER SMITH,

*Plaintiff,*

v.

BURGER KING CORPORATION,  
DHANANI GROUP OF COMPANIES,  
AND HOUSTON FOODS, INC.

*Defendants.*

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

CIVIL ACTION NO. 1:22-CV-295-MJT-CLS

**ORDER GRANTING MOTION TO  
WITHDRAW AS COUNSEL OF RECORD (DOC. #26)**

Pursuant to 28 U.S.C. § 636 and the Local Rules of Court for the Assignment of Duties to United States Magistrate Judges, the district court referred this proceeding to the undersigned United States magistrate judge to conduct all pretrial proceedings, to enter findings of fact and recommend disposition on case-dispositive matters, and to determine non-dispositive matters. *See* 28 U.S.C. § 636(b)(1); E.D. TEX. CIV. R. 72. Pending before the court is counsel for Plaintiff's Motion to Withdraw as Counsel of Record. (Doc. #26.)

Plaintiff Brian Christopher Smith is currently represented by attorneys Martell Harris and Nelson Donald Berardinelli of The Trial Law Firm, LLC, and Boe Lynn Bowen of Bowen Law Firm ("Plaintiff's Counsel"). Counsel submitted a Motion to Withdraw as Counsel of Record on December 30, 2022. (Doc. #26.) Plaintiff filed an objection (doc. #28) and is opposed to the withdrawal. The undersigned held a hearing on the matter on January 24, 2023. The record of the hearing is sealed.

Pursuant to the statements and arguments made at the January 24, 2023, sealed hearing, the undersigned finds that Plaintiff's Counsel should be allowed to withdraw from representation

of Plaintiff in compliance with the standards provided by Rule 1.15 of the Texas Disciplinary Rules of Professional Conduct. Plaintiff's Counsel has demonstrated that good cause for withdrawal exists. TEX. DISCIPLINARY R. PRO. CONDUCT 1.15(b)(7). Additionally, both Plaintiff and Plaintiff's Counsel are in agreement that the withdrawal can be accomplished without material adverse effect on the interests of the client at least with respect to the statute of limitations and Plaintiff's ability to seek alternative representation.<sup>1</sup> TEX. DISCIPLINARY R. PRO. CONDUCT 1.15(b)(1).

Accordingly, it is **ORDERED** that Plaintiff Counsel's Motion to Withdraw as Counsel of Record (doc. #26) is **GRANTED**.

**SIGNED this the 24th day of January, 2023.**



---

Christine L Stetson  
UNITED STATES MAGISTRATE JUDGE

---

<sup>1</sup> Plaintiff and Plaintiff's Counsel are in agreement that the statute of limitations does not run until May 18, 2023, 114 days from this date. The undersigned makes no finding as to whether this is the correct date on which the statute of limitations for Plaintiff's claims in this litigation will run. The undersigned does, however, find that 114 days is sufficient time for Plaintiff to seek alternative representation.